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NO. 9, ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1968

UNITED STATES OF AMERICA,
Plaintiff

v.

STATE OF LOUISIANA, ET AL.,
Defendants

MOTION BY THE STATE OF TEXAS TO ELIMINATE THE QUESTION OF LATERAL BOUNDARIES WITH NEIGHBORING STATES FROM THE ISSUES TO BE CONSIDERED ON CROSS-MOTIONS FOR THE ENTRY OF A SUPPLEMENTAL DECREE AS TO THE STATE OF LOUISIANA (NO. 2)

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Cross Motions have been filed by the United States and Louisiana, each seeking entry of its own proposed Supplemental Decree fixing the submerged lands boundary between such litigants. They appear to be in agreement that the lateral boundaries of Louisiana with its neighboring States are not in issue.

In Part II of the "Brief of the State of Louisiana in support of its Motion for Entry of Supplemental Decree No. 2. . . .", etc., it is said at page 89: "The precise locations of the water boundaries between Louisiana and Mississippi on the east side of Louisiana, and Louisiana and Texas on the west side, have

never been completely fixed. We agree with the United States (Motion 66, No. 9) that the introduction of these collateral issues into the present proceedings should be avoided. . . ."

In the "Brief for the United States" concerning said cross-motions, it is said on page 7, footnote 3a: "The problem of defining the lateral limits of Louisiana's offshore submerged lands primarily concerns Louisiana and its neighbor States, and would be left open by the decree proposed by the United States, U.S. Mot. 9, 66. Louisiana expresses agreement with that approach. . . ." Said footnote, however, adds: "In fact, however, both Louisiana's primary and alternative coastline descriptions appear to have specific termini. . . ." This creates some uncertainty about the Louisiana position.

In the dispute over the boundary between the United States and Texas (set for oral argument October 14, 1968), Louisiana filed its Motion requesting that resolution of such controversy should have no impact on the issue of lateral boundaries between the States.

Similarly, the State of Texas represents that it is not properly a party to the Louisiana coastline litigation with the United States, and that the Texas lateral eastern boundary should not be involved in this proceeding.

Wherefore, Texas prays that it not be considered a party to such litigation between the United States and Louisiana. Should the issues in such proceeding be expanded so as to call for adjudication of the boundary between Texas and Louisiana, a reasonable delay is requested, giving Texas ample opportunity to be heard on this new issue.

Respectfully submitted

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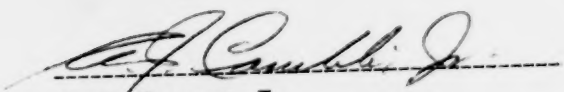

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October 19, 1968

CERTIFICATE

I, A. J. Carubbi, Jr., Executive Assistant Attorney General of Texas, a member in good standing of the Bar of the Supreme Court of the United States, hereby certify that on the 9 day of October, 1968, I served copies of the foregoing Motion either in person or by mail, postage prepaid, to the Office of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Bldg., Washington, D. C., and to the Attorneys General of the States of Alabama, Florida, Louisiana and Mississippi respectively.

A. J. CARUBBI, JR.